IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

OP.No. 33513 of 2002(M)

PETITIONER:

S.SURESH KUMAR, PROPRIETOR,
KALPAKA OIL PRODUCTS, RESIDING AT T.C.20/1343,
MANGAD LANE, KARAMANA, TRIVANDRUM.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENTS:
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1. STATE OF KERALA,
REP. BY THE CHIEF SECRETARY, SECRETARIAT,
TRIVANDRUM.

2. THE DISTRICT INDUSTRIES CENTRE,
VELLAYAMBALAM, TRIVANDRUM, REP. BY ITS
GENERAL MANAGER.

3. S.K.ENGINEERING,
REP. BY ITS MANAGING PARTNER, O.S.SAJITHA,
RESIDING AT AITTU ENCLAVE, KAWDIAR P.O.,
TRIVANDRUM.

4. THE SMALL INDUSTRIALISTS WELFARE
CO-OPERATIVE LTD. NO.1453, PRINT WELL,
NEAR MANVILA INDUSTRIAL ESTATE, MANVILA.

BY ADV. SRI.SABU S.KALLARAMOOLA
SMT.C.NEEMA
GOVERNMENT PLEADER

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 07/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.No. 33513/2002

ORDER ON CMP 56713/2002 IN O.P.No. 33513/2002

DISMISSED.

07/06/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

ORDER ON I.A.No 15616/2004 IN O.P.No. 33513/2002

DISMISSED.

07/06/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PROVISIONAL SSI REGISTRATION CERTIFICATE.

P2 : COPY OF THE SALE CERTIFICATE ISSUED TO THE PETITIONER.

P3 : COPY OF THE APPLICATION DATED 21/8/1991.

P4 : COPY OF THE CHALAN RECEIPT APPROVED BY THE 2ND RES0PONDENT FOR PAYMENT OF EMD.

P5 : COPY OF THE PERMANENT SSI REGISTRATION ISSUED BY THE 2ND RESPONDENT.

P6 : COPY OF THE PLAN REGARDING THE PROPOSED CONSTRUCTION IN 15 CENTS AND THE PLAN SHOWING THE VACANT PORTION AVAILABLE IN 37 CENTS.

P7 : COPY OF THE ANOTHER PLAN.

P8 : COPY OF THE PETITION SUBMITTED ON 05/07/1993 TO THE 2ND RESPONDENT.

P8(a) : COPY OF THE PETITION SUBMITTED ON 21/7/93 TO THE 2ND RESPONDENT.

P8(b) : COPY OF THE PETITION SUBMITTED ON 29/10/93 TO THE 2ND RESPONDENT.

P8(c) : COPY OF THE PETITION SUBMITTED ON 01/10/93 TO THE 2ND RESPONDENT.

P8(d) : COPY OF THE PETITION SUBMITTED ON 19/11/2001 TO THE 2ND RESPONDENT.

P9 : COPY OF THE PLAINT IN O.S.No. 187/1996 FILED BY THE PETITIONER BEFORE THE SUB COURT, TRIVANDRUM.

O.P.No. 33513/2002

P10 : COPY OF THE INJUNCTION ORDER IN O.S. NO.187/1996 OF THE SUB COURT, TRIVANDRUM.

P11 : COPY OF THE ORDER IN O.S.NO. 1612/2000 OF THE IIIRD ADDL. MUNSIFF COURT, TRIVANDRUM.

P12 : COPY OF THE REPRESENTATION SENT to the HON'BLE MINISTER FOR INDUSTRIES AND LOCAL M.L.A. SHRI.M.A.WAHEED ON 05/06/2002.

P13 : COPY OF THE AGREEMENT DATED 25/05/2002.

P14 : COPY OF THE ORDER IN I.A.No 4640/02 IN O.S.No. 792/2002 DATED 09/08/2002 ON THE FILE OF THE IIIRD ADDL. MUNISFF'S COURT, TRIVANDRUM.

P15 : COPY OF THE ORDER IN I.A.No 5506/2004 IN O.S.No. 792/2002 DATED 21/8/04 OF the ADDL. IIIRD MUNSIFF'S COURT, TRIVANDRUM.

P16 : COPY OF THE LETTER SENT BY THE GENERAL MANAGER, DISTRICT INDUSTRIES CENTRE TO THE RDO, TRIVANDRUM DATED 20/09/2004.

RESPONDENT'S EXHIBITS

R3A : COPY OF G.O.MS.297/70/ID DATED 24/8/1970.

R3B : COPY OF THE PERMANENT REGISTRATION AS SSI UNIT DATED 30/03/02.

R3C : COPY OF ORDER NO.H/464/95 DATED 15/02/96 OF THE 2ND RESPONDENT.

R3D : COPY OF THE VALUATION CERTIFICATE ISSUED BY PWD ENGINEER DATED 18/03/1996.

R3E : COPY OF CHALAN RECEIPT FOR DEPOSITING THE IMPROVEMENT COST.

R3F : COPY OF DOCUMENT DATED 19/7/00 BY WHICH POSSESSION WAS HANDED OVER TO THIS RESPONDENT.

R3G : COPY OF LETTER DATED 06/09/2000 BY DIC TO THE S.I. KAZHAKKUTTAM.

R3H : COPY OF CHALAN RECEIPT DATED 04/09/2000.

R3I : COPY OF COMMISSION REPORT AND SKETCH DATED 13/11/2001.

R3J : COPY OF THE LETTER DATED 28/12/2000 ISSUED BY THE 2ND RESPONDENT TO SECRETARY, THIRUVANANTHAPURAM CORPORATION.

R3K : COPY OF THE CERTIFICATE DATED 04/11/2000 ISSUED by the 2ND RESPONDENT.

R3L : COPY OF CHALAN DATED 23/12/2000 DEPOSITED MONEY BY THIS RESPONDENT FOR BUILDING CONSTRUCTION.

R3M : COPY OF AGREEMENT DATED 15/02/96 EXECUTED BY THIS RESPONDENT WITH THE 1ST RESPONDENT.

R3O : COPY OF LOAN SANCTION-CUM-ARRANGEMENT LETTER OF SBT SSI BRANCH, THIRUVANANTHAPURAM ISSUED OT 3RD RESPONDENT DATED 09/12/2000.

R3P : COPY OF FIR IN CRIME NO.37/2001 OF KAZHAKOOTTAM POLICE STATION, THIRUVANANTHAPURAM DATED 12/02/2001.

R3Q : COPY OF THE JUDGMENT IN WA NO. 2157/98 OF THE HON'BLE HIGH COURT OF KERALA DATED 09/02/2000.

R3R : COPY OF SALES TAX RETURNS SUBMITTED BY 3RD RESPONDENT FROM 1ST APRIL 2003 TO 31ST MARCH 2004 AND 1ST APRIL 2001 TO 31ST OCTOBER 2004.

R3S : COPY OF THE CERTIFICATE OF REGISTRATION GRANTED TO 3RD RESPONDENT DATED 02/01/01.

R3T : COPY OF THE PROCEEDINGS NO.F2/8289/2002 OF THE 2ND RESPONDENT GRANTING SALES TAX EXEMPTION TO 3RD RESPONDENT DATED 04/08/2003.

R3U : COPY OF LETTER ALLOTTING CODE NO. FOR ESI COVERAGE TO 3RD RESPONDENT DATED 23/04/2004.

R3V : COPY OF LETTER EXTENDING EPF COVERAGE TO 3RD RESPONDENT DATED 25/05/2004.

R3W : COPY OF EPF FORM NO. 12A DETAILS OF 3RD RESPONDENT DATED 05/06/2004.

// TRUE COPY //

PA TO JUDGE

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 33513 of 2002

Dated, this the 7st day of June, 2007

J U D G M E N T

There is no scope for entertaining the original petition because among the same parties three suits are pending before the civil court in the same matter. Accordingly this original petition is closed leaving freedom to the petitioner to settle the dispute before the civil court.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg